

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Jokim Pitts

Plaintiff,

v.

Case No.: 1:19-cv-04573

Honorable Robert M. Dow Jr.

H. Barsch, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, September 15, 2020:

MINUTE entry before the Honorable Gabriel A. Fuentes: Plaintiff's motion for an extension of the discovery cutoff and the motion-to-compel deadline (doc. #[51]) is granted, upon review of defendants' response (doc. #[52]). Plaintiff complains that defendants produced additional documents on the day of a deposition scheduled for 9/14/20, claiming that defendants have engaged in similar behavior on prior occasions in the case. Defendants admit or contend that as of the date of their response: (1) additional documents had not been produced (and were being prepared for production), (2) the documents include duplicates of previously produced materials but also "a few scribbled notes" (presumably additional "General Progress Notes," upon which Chicago police investigators commonly make records of interviews, witness statements, or other investigative activities), and an "officer safety alert" concerning plaintiff no argument is made that plaintiff or plaintiff's counsel has seen any of the non-duplicative documents yet), and (3) previously deposed witnesses did not need documents to refresh their recollection and "have presented the same account of events...." The Court finds those arguments or assertions to be unpersuasive, in that plaintiff has no way of evaluating the relevance or usefulness of detectives' notes that counsel has never seen, and defendants' presumption that the documents are useless is not a presumption in which most litigants would indulge without seeing the documents. Moreover, defendants do not deny that they are producing additional documents on the day of or very shortly before witness depositions. This practice is unacceptable and needs to stop on penalty of possible sanctions if it occurs again. In the meantime, for the foregoing reasons, the extension request is granted. Motions to compel are to be filed by 5:00 p.m. on 10/14/20. Fact discovery is extended to 11/30/20. Absent allegations of discovery misconduct, these extensions are final. The requirement of a joint written status report in the progress of discovery to be filed on 9/23/20 is stricken and reset to 5:00 p.m. on 11/13/20. Mailed notice. (jj,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of

Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***www.ilnd.uscourts.gov***.